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A Law Corporation**

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May 20, 2019

12025-29003

Of Counsel:
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VIA U.S. MAIL AND FOIAONLINE.GOV

National Freedom of Information Act Officer
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW (2822T)
Washington, DC 20460

Regional Freedom of Information Act Officer
U.S. EPA, Region 9
75 Hawthorne Street (OPA-2)
San Francisco, CA 94105

Re: Request under Freedom of Information Act

Dear Freedom of Information Act Officer:

This letter constitutes a request for records made pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. §§ 552, *et seq.* by the International Organization of Masters, Mates & Pilots ("Requestor"), a labor union.

Records Request

The Requestor seeks information relating to exemptions and waivers issued by the Environmental Protection Agency ("EPA") to **The Pasha Group, Pasha Hawaii, Sunrise Operations or any related company** (collectively referred to herein as "Pasha Hawaii") regarding its obligations under the International Convention for the Prevention of Pollution by Ships (abbreviated as "MARPOL"), codified into United States law at 33 U.S.C. §§ 1901, *et seq.*, and 33 C.F.R. §§ 151, *et seq.*

Specifically, Requestor seeks any records¹ prepared, received, transmitted, collected and/or maintained by the EPA **from 2014 to the present** relating to or concerning:

¹ The term "records" as used herein includes but is not limited to all communications preserved in electronic or hard copy form, including but not limited to correspondence, documents, data,

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- A waiver or exemption *of any kind* issued to Pasha Hawaii for the following vessels: Horizon Enterprise, Horizon Pacific, Horizon Reliance, and/or Horizon Spirit. This includes but is not limited to waivers or exemptions to burn Heavy Fuel Oil (sulfur fuel).
- All records submitted to the EPA by Pasha Hawaii regarding the Horizon Enterprise, Horizon Pacific, Horizon Reliance, and/or Horizon Spirit, including but not limited to those submitted pursuant to the registration, reporting and recordkeeping requirements of the EPA and MARPOL for the North American Emission Control Area (“ECA”).
- Any investigation into and enforcement actions taken against Pasha Hawaii regarding the Horizon Enterprise, Horizon Pacific, Horizon Reliance, and/or Horizon Spirit, including but not limited to results of these investigations and enforcement actions.
- A waiver or exemption issued to Pasha Hawaii regarding its use of Heavy Fuel Oil (sulfur fuel), including but not limited to its compliance with new 2020 sulfur fuel limits under MARPOL.
- A waiver or exemption *of any kind* issued to Pasha Hawaii relating to its obligations under MARPOL, including but not limited to the reason or basis for that waiver or exemption.

Production of Requested Documents

With respect to the form of production, *see* 5 U.S.C. § 552(a)(3)(B), the Requestor requests that the records be provided electronically in a text-searchable, static-image format (PDF), in the best image quality in the EPA’s possession, and that the records be provided in separate, bates-stamped files. Requester asks that the agency provide any records that exist in electronic form on a compact disc or by email.

Requestor will pay “reasonable” fees under 5 U.S.C. § 552(a)(4)(A)(ii)(III) up to \$750.

If under applicable law any of the information is considered exempt, please describe in detail the nature of the information withheld, the specific exemption or privilege upon which the information is withheld, and whether the portions of withheld documents containing non-exempt

videotapes, audio tapes, CDs, DVDs, floppy disks, zip disks, faxes, files, e-mails, notes (including handwritten notes), letters, summaries or records of personal conversations, reports and/or summaries of interviews, reports and/or summaries of investigations, guidelines, evaluations, instructions, analyses, memoranda, agreements, orders, prescriptions, charts, expressions of statements of policy, procedures, protocols, reports, rules, training manuals, or studies.

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or non-privileged information have been provided. Requesters seek the release of all portions of otherwise exempt material that can be segregated.

Please provide the requested documents within 20 business days, as required by 5 U.S.C. § 2(a)(6)(A)(I).

If you have any questions please contact me at ldemidovich@bushgottlieb.com or (818) 973-3220. Please provide all requested documents to:

Lisa C. Demidovich
801 North Brand Boulevard, Suite 950
Glendale, California 91203
ldemidovich@bushgottlieb.com

Thank you in advance for your timely consideration of and response to this request.

Sincerely,

Bush Gottlieb
A Law Corporation



Lisa C. Demidovich

cc: Don Marcus, International Organization of Masters Mates & Pilots President
J. Lars Turner, International Organization of Masters Mates & Pilots VP-Pacific Ports
Jeremy Hope, International Organization of Masters Mates & Pilots Agent- Pacific Ports
Gabriel Terrasa, International Organization of Masters Mates & Pilots Counsel

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